



Legislation Details (With Text)

File #: RES PH 23- 183 **Version:** 2

Type: Resolution-Public Hearing **Status:** Passed

In control: City Council

Final action: 7/19/2023

Title: Approving the application of Wabasha Brewing Co for a sound level variance in order to present amplified sound on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023 at 429 Wabasha Street South. (Public hearing closed and laid over from July 12, 2023)

Sponsors: Rebecca Noecker

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Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Owner, 5. Owners List, 6. Letter to Applicant, 7. Kottke/Nelson public comment, 8. Kukowski/Gammon public comment, 9. Stewart-Finkenstaedt public comment, 10. Teehan public comment, 11. Heutmaker public comment

Date	Ver.	Action By	Action	Result
7/21/2023	2	Mayor's Office	Signed	
7/19/2023	1	City Council	Adopted As Amended	Pass
7/12/2023	1	City Council	Laid Over	Pass

Approving the application of Wabasha Brewing Co for a sound level variance in order to present amplified sound on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023 at 429 Wabasha Street South. (Public hearing closed and laid over from July 12, 2023)

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Wabasha Brewing Co, represented by Cassidy Bruggeman, Events Manager, who has been designated as the responsible person on the application, has applied for a variance, for 80 dBA at no specified distance, to present amplified sound for the Saturday Nights Music Series, 429 Wabasha Street S; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 9:00 p.m. with a pre-event sound check at 11:30 a.m. on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023 for a Saturday Night Music Series; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 429 Wabasha Street S; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance. Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Wabasha Brewing Co,

subject to the following conditions:

- 1) The Variance shall be for the hours of ~~12:00 p.m. to 9:00 p.m.~~ 3:00 p.m. to 8:00 p.m. with a pre-event sound check at ~~11:30 a.m.~~ 2:30 p.m. on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023 for a Saturday Night Music Series.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed ~~80~~ 75 dBA at 50 feet from all sound sources
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than ~~8:00 p.m.~~ 9:00 p.m. on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue; and be it

FURTHER RESOLVED, that if three or more verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variances for the Wabasha Saturday sound level variances may be amended or revoked by the council. Such reduction will not require a further hearing before council but shall be documented in a written communication to council from DSI; and be it

FINALLY RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation and/or adverse licensing action that might be issued.

Wabasha Brewing Co, represented by Events Manager, Cassidy Bruggeman, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 9:00 p.m. with a pre-event sound check at 11:30 a.m. on Saturdays, July 22, July 29, August 5, August 12 and August 19, 2023. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments